

## **REMARKS**

The July 28, 2008 Office Action was based upon pending Claims 23-26, 29, and 31-45. The Examiner rejected Claims 23-26, 29, and 31-45.

Applicant would like to thank Examiner Piggush for the interview extended to Applicant's counsel of record, John R. King, on October 23, 2008. During the interview, the Examiner agreed that the amendments to Claim 23 appear to clarify the patentably distinguishing features of the invention. Accordingly, Applicant has also amended Claims 31 and 44 along the lines discussed in the interview. In addition, Applicant has amended Claim 42 and canceled Claims 24, 33, 35, and 41. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

### **I. Claim Rejections**

The Examiner provisionally rejected Claims 23-26, 29 and 31-45 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 9-11, 13-14, 16-23, and 25-31 of Applicant's co-pending U.S. Application No. 10/760,126 in view of U.S. Patent No. 6,246,214 issued to Oglesbee ("the Oglesbee patent"), U.S. Patent No. 5,978,236 issued to Faberman et al. ("the Faberman patent"), and U.S. Patent No. 5,786,682 issued to Aiken et al. ("the Aiken patent").

The Examiner rejected Claims 23-26, 29, 31, 34-41, and 43-45 under 35 U.S.C. § 103(a) as being unpatentable over the Oglesbee patent in view of U.S. Patent No. 5,621,299 issued to Krall ("the Krall patent"), and U.S. Publication No. 2002/0021164 to Fugate et al. ("the Fugate publication").

The Examiner also rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over the Oglesbee patent in view of the Krall patent, the Fugate publication, and the Faberman patent.

In addition, the Examiner rejected Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over the Oglesbee patent in view of the Krall patent, the Fugate publication, and U.S. Patent No. 6,170,062 issued to Henrie ("the Henrie patent").

Finally, the Examiner rejected Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over the Oglesbee patent in view of the Krall patent, the Fugate publication, and the Aiken patent.

**II. Provisional Double Patenting Rejection of Claims 23-26, 29 and 31-45**

Applicant acknowledges the provisional double patenting rejection; however, since no claims in the co-pending application have been allowed, a terminal disclaimer is not yet appropriate. Applicant will submit a terminal disclaimer when the identified claims have been allowed in both applications if the claims have not otherwise been amended to overcome the double patenting rejection.

**III. Rejection of Claims 23-26, 29 and 31-45 under 35 U.S.C. § 103(a)**

As described above, the Examiner rejected Claims 23-26, 29, and 31-45 under 35 U.S.C. § 103(a) as being unpatentable over combinations of U.S. patents and publication. In view of the above amendments and the following discussion, Applicant respectfully traverses these rejections.

By this amendment, Applicant has canceled Claims 24, 33, 35, and 41 without prejudice or disclaimer. Accordingly, Applicant respectfully requests the Examiner to withdraw objection under 35 U.S.C. § 103(a) of Claims 24, 33, 35, and 41.

**A. Independent Claim 23**

Applicant respectfully submits that the amended Claim 23 is patentably distinguished over the Oglesbee patent, the Krall patent, and the Fugate publication. In particular, none of the cited references appears to disclose using a current sensing circuit to measure current provided by a USB interface, but not by an AC adapter, to generate an overriding signal to reduce a charging current provided to a battery in response to an increase in a load current provided to a portable electronic device such that the measured current from the USB interface does not exceed a predetermined current threshold.

Figures 3B and 4B of the Krall patent appear to disclose charging currents that decrease over time, but the decreases in the charging currents are not made in

response to an increase in a load current. For example, the charging current in Figure 3B decreases as a battery voltage shown in Figure 3C increases while the charging current in Figure 4B decreases after a charging voltage shown in Figure 4A reaches a maximum voltage at time  $t_2$ .

Accordingly, as discussed in the interview, Applicant asserts that Claim 23 is not obvious in view of the Oglesbee patent, the Krall patent, and the Fugate publication. Applicant therefore respectfully submits that Claim 23 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 23.

**B. Dependent Claims 25, 26, 29, 40, 42, and 43**

Claims 25, 26, 29, 40, 42, and 43, which depend from Claim 23, are believed to be patentable for the same reasons articulated above with respect to Claim 23, and because of the additional features recited therein.

**C. Independent Claim 31**

Although Claim 31 has different language than Claim 23, Claim 31 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**D. Dependent Claims 32, 34, and 36-39**

Claims 32, 34, and 36-39, which depend from Claim 31, are believed to be patentable for the same reasons articulated above with respect to Claim 31, and because of the additional features recited therein.

**E. Independent Claim 44**

Although Claim 44 has different language than Claim 23, Claim 44 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**F. Dependent Claim 45**

Claim 45, which depends from Claim 44, is believed to be patentable for the same reasons articulated above with respect to Claim 44, and because of the additional features recited therein.

**V. No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**VI. Conclusion**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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